THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Writ Petition (M/S) No. 305 of 2006
(Under Article 227 of the Constitution of India)

Ishwar Chand, Son of Ram Swaroop,
Resident of Doiwala, Dehradun

…. **Petitioner.**

Versus

1. Civil Judge (Senior Division), Dehradun.
2. Smt. Maneshwari Devi, Wife of Late Ratan Singh Resident of Village Mauza Mafi Pargana Parwadoon, District-Dehradun.
3. Sri Prem Singh S/o Late Ratan Singh R/o Village Mauza Mafi Pargana Parwadoon, District- Dehradun.
4. Sri Vijendra Singh S/o Late Ratan Singh R/o Village Mauza Mafi Pargana Parwadoon, District- Dehradun.
5. Smt. Bhagyawati Negi W/o Sri S.S. Negi D/o Late Ratan Singh R/o 137, Lachi Bagh Dehradun.
6. Smt. Sarswati Rawat W/o Sri Dhirender Singh Rawat D/o Late Ratan Singh R/o Village Dhakpatti, P.O. Ghangora District-Dehradun.
7. Smt. Gomati Devi W/o Sri Vikram Singh D/o Late Ratan Singh R/o Village Dhapatti, P.O. Rajpur, District- Dehradun.
8. Ms. Basanti Devi D/o Late Ratan Singh R/o Village Mafi Pargana, Parwadoon District- Dehradun.
9. Sri Ganga Singh S/o Sri Jawahar Singh R/o Village Haripur, Pargana Parwa Doon, District- Dehradun.

…. **Respondents.**

Sri Arvind Vashist, learned counsel for the petitioner.
Sri Nand Prasad, Learned Standing Counsel for the respondent No. 1.

Dated March 28, 2006.

PC:
(Hon'ble B.S. Verma, J.)

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 to decide the Original Suit No. 463 of 1992 Ratan Singh Vs. Ishwar Chand and another, pending disposal in his court, expeditiously.

The record of the case shows that the father of respondent nos. 2 to 8, late Ratan Singh filed a suit for declaring the sale deed dated 12.12.1991 as void and for permanent injunction against the petitioner on 27.7.1992 which was registered as Suit No. 463 of 1992. During the pendency of the suit, sole plaintiff died and respondent nos. 2 to 8 were substituted as plaintiffs. Written Statement in the suit was filed by the petitioner on 27.5.1993 and plaintiff was granted time for filing replication. Issues were framed as back as on 16.6.1994. It is alleged that as many as 190 dates have been fixed and the period about 12 years have elapsed but the suit could not be disposed of due to delay tactics adopted by the plaintiff respondents.

In the facts and circumstances of the case and taking into consideration the fact that the suit no. 463 of 1992 have become very old, it is a fit case in which direction for expeditious disposal be issued to the respondent no. 1.

The learned Civil Judge (Senior Division) Dehradun is directed to decide the Suit No. 463 of 1992 Ratan Singh (deceased) Vs. Ishwar Chand pending disposal in his court preferably within a period of six months from the date of production of certified copy of this order on merit.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S. Verma, J.)

RCP